

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

REGAL FABRICS, INC.,

Plaintiff,

V.

CIVIL ACTION
NO. 04-10961-RWZ

KOBA, INC., an Illinois corporation;
IBR CORPORATION, d/b/a Harbortown Division,
an Illinois corporation; and
SHOPKO STORES, INC, a Wisconsin corporation,

Defendants.

**JOINT STATEMENT SUBMITTED PURSUANT TO
FED. R. CIV. P. 26(f) AND LOCAL RULE 16.1**

Plaintiff, Regal Fabrics, Inc. (“Regal”), and Defendants, Koba, Inc. (“Koba”), IBR Corporation, d/b/a Harbortown Division (“Harbortown”), and Shopko Stores, Inc. (“Shopko”), collectively (the “Defendants”), submit this Joint Statement in accordance with Fed. R. Civ. P. 26(f) and Local Rule 16.1.

A. Concise Statement

Regal is a converter of woven textile fabrics for use in connection with home furnishings and furniture. On or about July 14, 2004, Regal filed with this Court, its Amended Complaint and Jury Demand in which Regal alleges that the Defendants are knowingly and willfully infringing its copyrighted textile design designated as “R6711 Multi” that is the subject of a Certificate of Copyright

Registration issued by the Register of Copyrights on August 14, 2001, bearing registration number VA 1-092-293. The Defendants deny that they infringe Regal's copyright and allege via counterclaim that Regal's copyright is invalid for lack of originality.

B. Proposed Agenda for Scheduling Conference

The parties jointly propose that the agenda for the Local Rule 16.1(A) scheduling conference include a discussion of the following topics:

1. Proposed discovery and expert discovery plan;
2. Proposed schedule for filing of motions, including dispositive motions;
3. Hearing dates for potential motions;
4. Proposed trial date;
5. Possible mediation; and
6. Settlement/alternative dispute resolution.

C. Proposed Discovery Plan

The parties jointly propose that discovery be conducted pursuant to the limits set forth in Local Rule 26.1(c) and take place in accordance with the following schedule.

<u>Event</u>	<u>Date</u>
1. Document Requests	served no later than December 15, 2004
2. Interrogatories	served no later than December 15, 2004
3. Fact Discovery	completed by February 15, 2005

4. Expert Discovery	completed by April 10, 2005
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D. Pretrial and Trial

Final Pretrial Conference on or after April 20, 2005, if no dispositive motions are filed or, in the alternative, at the Court's earliest convenience after rulings have been made should dispositive motions be filed.

E. Certifications

The certifications required by Local Rule 16.1(D)(3) are attached hereto or will be filed separately on or before the day of the conference.

F. Mediation and Trial by Magistrate

The parties agree to consider mediation on an ongoing basis as an option for the resolution of this matter. At this time, the parties do not consent to trial before a United States Magistrate Judge.

**Koba Inc., IBR Corporation, d/b/a
Harbortown Division, and Shopko
Stores, Inc.**

By their attorneys,

/s/Mark Schonfeld with permission .
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Regal Fabrics, Inc.

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